

**BEFORE THE ARKANSAS CEMETERY BOARD**

**CASE NO. C-10-0173**

RECEIVED  
2011 JAN 28 AM 9:39  
ARKANSAS SECURITIES DEPT.

**IN THE MATTER OF:**

**SHADY GROVE CEMETERY;  
WILSON, ARKANSAS**

**ORDER NO. C-10-0173-11-OR01**

**ORDER APPROVING APPLICATION FOR AMENDMENT TO PERMIT**

The Arkansas Cemetery Board ("Board") held a special meeting on December 29, 2010, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 5 of the Rules of the Arkansas Cemetery Board. Among the matters considered was an application by Perpetual Gardens, Inc., ("Perpetual Gardens") to amend the permit of Shady Grove Cemetery. Appearing on behalf of Perpetual Gardens was Mr. Perry Wilson. Upon consideration of the testimony of the witnesses, the exhibits, and all other matters presented, the Board hereby finds and concludes:

**FINDINGS OF FACT**

1. Shady Grove Cemetery is a perpetual care cemetery located in Wilson, Arkansas. Shady Grove Cemetery is owned and operated by Perpetual Gardens, and licensed by the Board as a perpetual care cemetery as defined by the Cemetery Act for Perpetually Maintained Cemeteries, Ark. Code Ann. §§ 20-17-1001 through 20-17-1029 ("Act").
2. On December 13, 2010, Perpetual Gardens filed an application to amend its permit to reduce the boundaries of Shady Grove Cemetery. The original application has since been supplemented to include documents and information requested by the staff of the Arkansas Securities Department ("Staff").

3. A copy of the Plat of Survey for the amended boundaries of Shady Grove Cemetery is attached as "Exhibit A".

4. The application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1011 and Rule 11 of the Rules of the Arkansas Cemetery Board and meets all statutory and regulatory requirements as set forth for the amendment of a permit of a perpetual care cemetery.

### **CONCLUSIONS OF LAW**

5. A cemetery company proposing to amend its present permit under the Act shall file an application for amendment of the permit with the Board. Ark. Code Ann. § 20-17-1011(a) and Rule 11 of the Rules of the Arkansas Cemetery Board.

6. The application for amendment of a permit must contain various statements, documents, and other information necessary to provide justification for the amendment of the permit. Ark. Code Ann. § 20-17-1011.

7. If the Board finds that an existing permit should be amended, the Board shall issue a new permit. The new permit shall supersede the previous permit. Rule 11.07 of the Rules of the Arkansas Cemetery Board.

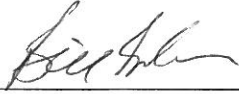
### **ORDER**

IT IS HEREBY ORDERED that the application to amend the permit of Shady Grove Cemetery to reduce the boundaries of Shady Grove Cemetery shall be approved. The Staff shall be authorized to issue the amended permit to Perpetual Gardens, Inc. Perpetual Gardens, Inc., is hereby ordered that the amended permit shall supersede the existing permit, is ordered to record the permit with the Mississippi County Clerk's office, and mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED.

Dated this 28<sup>th</sup> day of JANUARY, 2011.

**ARKANSAS CEMETERY BOARD**



G. William "Bill" Booker, II  
Chairperson



A. Heath Abshire  
Secretary

